

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. 911-017/PI-116
Public Service Commission, on)
its own motion, to establish)
interim policies for the) PROGRESSION ORDER NO. 1
Administration of the Enhanced)
Wireless 911 Fund pending)
Implementation of LB 1222)
[2006].) Entered: February 13, 2007

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On January 9, 2007, the Nebraska Public Service Commission (Commission) established interim policies for the Administration of the Enhanced Wireless 911 Fund (Fund) pending Implementation of LB 1222 [2006]. In addition to establishing other policies, the order set a deadline of February 16, 2007 for the filing of invoices by wireless carriers for past billing periods and for PSAPs to file funding or reimbursement requests, who could have requested reimbursement or funding under the prior law, but were advised to wait pending the outcome of legislative action.

The order further stated that prior to the February 16, 2007 deadline, the Commission would establish a statewide factor to be used during the remainder of the interim period to allocate wireless and wireline costs of E911. In order to determine the allocation factor, the Commission staff reviewed wireless and wireline call volume data from several public safety answering points (PSAPs). The Commission is aware that accuracy issues exist with the data provided by local exchange carriers and the PSAPs. Furthermore, call volume data was not available for all PSAPs statewide. However, the Commission finds that a uniform statewide allocation factor is necessary to equitably distribute funds and provide some level of predictability during this interim period. Therefore, the Commission must rely on the best data available at this time.

The Commission finds that with respect to any filing made after February 16, 2007 during the interim period, funding will be determined based upon a statewide factor of 55% wireless to 45% wireline until such time as the permanent funding mechanism is established pursuant to LB 1222 [2006]. This allocation factor is based upon wireless and wireline call volume data from multiple PSAPs.

The Commission further amends the interim policy to state that no increase in costs will be approved for local exchange carriers during the interim period pursuant to the amended interim policy.

Recently, several new wireless towers have been implemented as Phase I or Phase II and the wireless carriers have failed to notify the PSAP, the local exchange carrier or the Commission. This is in violation of Progression Order No. 5 in Docket No. 911-011/PI-79 and the Phase II standards adopted by the Commission on October 17, 2006 in the same docket. These testing standards and procedures remain in effect during this interim period. Wireless carriers are put on notice that failure to abide by proper testing and implementation procedures may result in loss of funding, the imposition of fines pursuant to Neb. Rev. Stat. § 86-459(5) (2006), or both. Language to this effect has also been included in the interim policy.

An amended interim policy is attached hereto as Appendix A. Policies regarding mapping, Phase I funding, Phase II funding, wireless carrier costs, GIS data development and the Data Repository, multiple PSAPs within a county, and other miscellaneous issues remain in effect.

The Commission may amend the interim policy at any time.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that with respect to any filing made after February 16, 2007 during the interim period, funding will be determined based upon a statewide factor of 55% wireless to 45% wireline until such time as the permanent funding mechanism is established pursuant to LB 1222 [2006].

IT IS FURTHER ORDERED that the amended interim policy attached hereto as Appendix A is adopted and supersedes the previous policy adopted in this docket on January 9, 2007.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of February, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director

Amended Interim Implementation Policy

PSAP Funding Requests for Shared Costs

Requests for reimbursement for any equipment, software, hardware, or services shared between wireless and wireline enhanced 911 service filed after **February 16, 2007** will be subject to an allocation factor of 55% (fifty-five percent) wireless and 45% (forty-five percent) wireline. This interim policy does not guarantee funding for any particular request. All requests must be reviewed on a case-by-case basis on their own merits.

Funding will be determined based upon the statewide allocation factor until such time as the funding mechanism is established pursuant to LB 1222 [2006]. A PSAP may request a waiver or adjustment of this allocation factor for good cause.

Mapping

All PSAPs, counties or cities who have developed GIS data on their own and do not submit requests for reimbursement, must do so **no later than February 16, 2007**. All data must be provided in a form consistent with the standards set forth by the Commission to be included in the data repository prior to a PSAP receiving any funding or access to the data repository. The Commission staff will continue to develop a policy regarding access to and use of the data repository.

The Commission will continue to fund the development of GIS data up to 100% during the interim period. Any requests for funding for the development of GIS data will continue to be reviewed on a case-by-case basis.

Phase II Funding

Any requests for Phase II costs, whether already incurred or new costs, will be considered on a case-by-case basis. Any requests for reimbursement of already incurred Phase II costs must be submitted **no later than February 16, 2007**. Failure to submit requests for reimbursement of already incurred costs by said date, may constitute a waiver of reimbursement.

Testing

During the interim period, all PSAPs, wireless carriers, LECs and vendors involved in the implementation of Phase I or Phase II wireless enhanced 911, must do so consistent with the Phase I standards adopted by the Commission in Progression Order No. 5 in Docket No. 911-011/PI-79 and the Phase II standards adopted by the Commission on October 17, 2006 in the same docket. The applicable testing standards shall be followed on any initial implementation and if an additional tower is being implemented, this includes notifying the Commission, appropriate LEC and the PSAP. Failure to comply with applicable testing guidelines may result in loss of funding and/or possible fines.

Wireless Carrier and LEC Costs

Any wireless carrier who has not submitted invoices for previous billing periods must file with the Commission all invoices for previous billing periods by February 16, 2007. Furthermore, all invoices for billing periods up through December, 2006 must be filed by February 16, 2007. Failure to submit these invoices may constitute a waiver of any funds previously approved.

The Commission will not approve any increase in Wireless Carrier or LEC costs during the effectiveness of the interim policy.

The Commission will continue to consider costs associated with new implementations, increases in subscriber counts, new towers, etc. This does not include increases in the actual rates.

Phase I Funding

All PSAPs ready to move forward with Phase I and wireless service providers should submit requests for funding consistent with Progression Order No. 5 and Commission procedures set forth herein. The Commission and staff may request additional information in order to properly consider each request.

GIS Data Development and the Data Repository

Due to the length of time necessary for development and the need statewide, funding for the development of GIS data and the data repository will continue during the transition period. Any PSAP which has developed its own data, must provide that data in a form consistent with the standards set forth by the Commission to be included in the data repository prior to receiving any funding or access to the data repository. The Commission staff will be developing a policy regarding access to and use of the data repository.

Multiple PSAPs Within a County

Pending implementation of LB 1222, the Commission will provide funding for only one PSAP per County consistent with Neb. Rev. Stat. § 86-465(1)(e) (2005 Supp.) as amended LB 1222 [2006]. Furthermore, no funding will be provided for backup PSAPs. In cases in which funding is currently being provided to multiple PSAPs within a county, funding will continue during the interim period and the issue will be resolved in conjunction with the establishment of a permanent funding mechanism. If during the interim period, any new funding requests are received from PSAPs serving an area served by multiple PSAPs, each request will be reviewed on a case-by-case basis.

Miscellaneous

All funding requests will continue to be reviewed by the Wireless E911 Advisory Board consistent with past practices. All parties requesting funding will be notified when their request is on the Board's agenda. The Board's funding recommendations will be

forwarded to the Commission. Final decision on any funding request will be made by the Commission. Any PSAP, wireless carrier, vendor or LEC may request a hearing before the Commission on any funding request.

All funding requests for equipment and/or hardware/software should include any additional expenses related to maintenance of the equipment. After February 16, 2007, all PSAPs shall utilize vendors of choice as outlined in Docket No. 911-011/PI-79. Any PSAP wishing to use a vendor other than a vendor of choice, should file a request for approval prior to the signing of any contract with the vendor.

Should the Commission determine that money is no longer available for funding, no new funding requests will be approved.

The Commission may amend this policy at any time during the interim period.